

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal No. 12-49 (RHK/LIB)

**PRELIMINARY ORDER
OF FORFEITURE**

1. ANTONIO CHAVEZ AGUIRRE, JR.,
2. DAVID MICHAEL COOK,
3. TRISHA NICOLE CULLEN,
4. DAVID RICHARD DEKING; and
5. SHAD DANIEL O'NEIL,

Defendants.

Based on the United States' Motion for a Preliminary Order of Forfeiture; on the Plea Agreements entered into between the United States and Defendants Antonio Chavez Aguirre, Jr., David Richard Deking, Trisha Nicole Cullen and Shad Daniel O'Neil; on the Court having found that certain property is subject to forfeiture pursuant to 21 U.S.C. § 853; and on the Court's determination that, based on the Plea Agreements entered into by the Defendants and based on all of the files and records of this proceeding, the government has established the requisite nexus between such property and the offense to which the Defendants have pleaded guilty,

IT IS HEREBY ORDERED that:

1. the Motion of the United States for a Preliminary Order of Forfeiture (Doc. No. 120) is **GRANTED**;
2. the following property is forfeited to the United States pursuant to 21 U.S.C. § 853:

- a. \$1,125.00 in U.S. currency;
- b. \$17,110.00 in U.S. currency;
- c. \$4,853.00 in U.S. currency;
- d. a 2007 Harley Davidson FXDWG Dyna Wide Glide motorcycle, Minnesota plate number 82598MG, VIN: 1HD1GP4397K330097;
- e. a Reck, Model R12, .22LR caliber revolver, serial number 125697, with accessories and ammunition; and
- f. a Springfield XD ACP, a .45 caliber handgun, serial number US636272, with accessories and ammunition;

3. the Attorney General or his authorized designee may seize the foregoing property and maintain custody and control of the property pending the entry of a Final Order of Forfeiture;

4. the United States shall, pursuant to 21 U.S.C. § 853(n)(1), as incorporated by 28 U.S.C. § 2461(c) publish and give notice of this Order and its intent to dispose of the foregoing property in such manner as the Attorney General may direct;

5. pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B), this Preliminary Order of Forfeiture shall become final as to the Defendants at the time of sentencing, and shall be made a part of the sentence and included in the judgment;

6. following the Court's disposition of all petitions filed pursuant to 21 U.S.C. § 853(n)(2) or, if no petitions are filed, following the expiration of the time period specified within which to file such petitions, the United States shall have clear title to the foregoing property and may warrant good title to any subsequent purchaser or transferee; and

7. this Court shall retain jurisdiction to enforce this Order, and to amend it as necessary pursuant to Fed. R. Crim. P. 32.2(e).

Dated: May 1, 2012

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge